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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/758,648

Applicant: Larry Lunetta, et al.

Filed: January 10, 2001

Art Unit: 2625

Examiner: Patel, Kanjibhai B.

Docket No.: 4565P001

Confirmation No.: 9518

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail: EV439337069US with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on May 4, 2004
Date of Deposit

Geneva Walls
Name of Person Mailing Correspondence

May 4, 2004

DECLARATION OF LARRY LUNETTA
UNDER 37 C.F.R. §1.131

I, Larry Lunetta, hereby declare that:

1. I have reviewed U.S. Patent 6,344,853, entitled METHOD AND APPARATUS FOR SELECTING, MODIFYING AND SUPERIMPOSING ONE IMAGE ON ANOTHER (hereafter, "Knight") cited by the Patent Examiner in an Office Action dated November 4, 2003, for the above-referenced application.
2. I understand the effective date of Knight is January 6, 2000.
3. The invention disclosed and claimed in the above-identified patent application was conceived and actually reduced to practice in the United States prior to January 6, 2000.
4. Attached hereto as Exhibit A are selected pages of a printout of a document (PRD Draft 4.doc) written prior to January 6, 2000 and entitled *Branders.com Product Requirements Document, ver. 1.3* (hereafter "Branders PRD") that describes the invention disclosed and claimed in the above-identified

patent application. I am an inventor of the invention as described in the
Branders PRD. The Branders PRD describes an operational system
implemented prior to January 6, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Dated: April 30, 2004

By 

Larry Lunetta